U.S. DISTRICT COURT WESTERN DISTRICT OF LOUISIANA RECEIVED - SHREVEPORT

JUN 2 5 2008

ROBERT H. SHEMMELL CLERK

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA SHREVEPORT DIVISION

BOBBY RAY JAGERS

CIVIL ACTION NO. 5:05CV952

VERSUS

JUDGE WALTER

WARDEN LOUISIANA STATE PENITENTIARY MAGISTRATE JUDGE HORNSBY

CERTIFICATE OF APPEALABILITY

A final order having been filed in the above-captioned habeas case, the court, considering the record in this case and the requirements of 28 U.S.C. § 2253, hereby finds that:

The certificate of appealability is DENIED because the applicant has failed to demonstrate a substantial showing of the denial of a constitutional right.

The certificate of appealability is GRANTED for the below reasons:

The applicant has made a substantial showing that the following issues constitute a denial of a constitutional right.

Signed at

Louisiana, this 23 Day of

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Donald E. Walter

UNITED STATES DISTRICT JUDGE